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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/912,219	07/25/2001	Alvin Kershman	SK-3	6369	
21833	7590 06/03/2004	•	EXAM	EXAMINER	
BOULDER PATENT SERVICE INC			TRAN LII	TRAN LIEN, THUY	
1021 GAPTER ROAD BOULDER, CO 803032924			ART UNIT	PAPER NUMBER	
DOUBLIN, I	, , , , , , , , , , , , , , , , , , , ,		1761		
			15 A TE AA A II UIS 06/03/200	v.4	

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

Application No.

09/912,219

Examiner
Lien T Tran

Applicant(s)

KERSHMAN ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))  The period for reply expires 5_months from the mailling date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. It no event, however, will the stautiory period for reply expire staer than \$1X MONTHS from the mailing date of the final rejection. ONLY OFICEXT HIS BOX WHEN THE ITERS TREEPLY WAS FILED WTHAIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f).  706.07(f).  706.07(f	Examination	n (RCE) in compliance with 37 CFR 1.114.
the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set from in the intel rejection, more newer, however, will be statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  The period of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fie. The appropriate extension see under 37 CFR 1.179(a) is calculated from: (1) the expiration date of the test period or petition under 37 CFR 1.191(a) and the appropriate extension see under 37 CFR 1.179(a) is calculated from: (1) the expiration date of the test set to the state of the reply originally set in the final Office action; or 23 as set for his (b) above; if checked. Any reply received by the Original transition and the corresponding amount of the final office action; or 23 as set for his (b) above; if checked. Any reply received by the Original transition and the corresponding amount of the final office action; or 23 as set for his (b) above; if checked. Any reply received by the Original transition and the corresponding amount of the final office action; or 23 as set for his (b) above; if checked. Any reply received by the Original transition and the corresponding number of final original original original set for the final office action; or 23 as set for the (b) above; and the corresponding number of final original original set for the final rejection of the final replection.  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  NOTE:  Note:  Note:  Note:  Note:  Note:  Not		PERIOD FOR REPLY [check either a) or b)]
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition linder 37 CFR 1.15(a) and under 37 cFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action or set under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action or 27 cFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action or intree months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on 18 May 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:   3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is prov	b) The	e period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  LY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(a)), to avoid dismissar or the appeal.  2. ☐ The proposed amendment(s) will not be entered because:  (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	Extension ee have been ee under 37 C 2) as set forth imely filed, ma	is of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension if it is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if any reduce any earned patent term adjustment. See 37 CFR 1.704(b).
(a)	1.⊠ A No 37 CF	rtice of Appeal was filed on <u>18 May 2004</u> .  Appellant's Brief must be filed within the period set forth in FR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:		
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. ☐ Applicant's reply has overcome the following rejection(s):  4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: the argument is not persuasive for reason of record.  6. ☑ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☑ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: none.  Claim(s) rejected: 1-2.4-45.47-53.  Claim(s) withdrawn from consideration:  8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)  LIENTRAN  PRIMARY EXAMINER	(a) 🔲 t	they raise new issues that would require further consideration and/or search (see NOTE below);
issues for appeal; and/or  (d)	(b) 🔲 t	they raise the issue of new matter (see Note below);
NOTE:  3.	į:	ssues for appeal; and/or
NOTE:  3.	(d) 🗌	they present additional claims without canceling a corresponding number of finally rejected claims.
<ul> <li>4.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: the argument is not persuasive for reason of record.</li> <li>6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: none.  Claim(s) objected to: none.  Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  LIEN TRAN PRIMARY EXAMINER</li> </ul>		
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Claim(s) objected to: <u>none</u> .  Claim(s) rejected: <u>1-2, 4-45, 47-53</u> .  Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	The	status of the claim(s) is (or will be) as follows:
Claim(s) rejected: 1-2, 4-45, 47-53.  Claim(s) withdrawn from consideration:  8.  The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  LIEN TRAN  PRIMARY EXAMINER	Clai	im(s) allowed: <u>none</u> .
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8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: LIEN TRAN  PRIMARY EXAMINER	Clai	im(s) rejected: <u>1-2, 4-45, 47-53</u> .
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